



April 7, 2004

## **RI Deputy Sheriff charged with a Civil Rights violation in prisoner assault**

A federal grand jury has charged **Charles Scherza**, a Rhode Island deputy sheriff, with violating the civil rights of an inmate by punching and kicking him.

The Office of the United States Attorney and Kenneth W. Kaiser, Special Agent in Charge of the Federal Bureau of Investigation announced a one-count indictment, which the grand jury returned yesterday in U.S. District Court, Providence. A summons will be issued for Scherza, 33, of 11 Haddon Hill Road, Cranston, to appear in U.S. District Court for arraignment.

According to the indictment, on September 26, 2001, in the Garrahy Judicial Complex in Providence, Scherza punched and kicked Jose Rivera-Rosa, also known as Jose Lacon, causing bodily injury. The indictment alleges that, by assaulting Rivera-Rosa, Scherza willfully deprived him of a Constitutionally guaranteed right "not to be deprived of liberty without due process of law."

An indictment is merely an allegation and a defendant is presumed innocent unless and until proven guilty. The statutory maximum penalty for a civil rights violation as charged in this indictment is ten years in federal prison and a \$250,000 fine. Federal sentencing is determined on the basis of guidelines that rely on such factors as the specific nature of an offense and a defendant's criminal background, if any.

The FBI investigated the case. Assistant U.S. Attorney Richard W. Rose is prosecuting it.

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